



Order Filed on March 24, 2017 by
Clerk U.S. Bankruptcy Court
District of New Jersey

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Attorneys for Movant

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

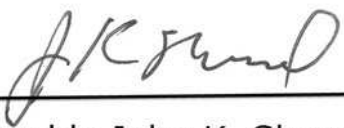
In Re:	Chapter: 13
David J. Diabo,	Case No.: 15-17725-JKS
Debtor.	Judge: John K. Sherwood

ORDER APPROVING LOAN MODIFICATION AGREEMENT

The relief set forth on the following pages, number two (2) through three (3) is hereby

ORDERED

DATED: March 24, 2017



Honorable John K. Sherwood
United States Bankruptcy Court

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Debtor: David J. Diabo
Case No.: 15-17725-JKS
Caption of Order: **ORDER APPROVING LOAN MODIFICATION AGREEMENT**

THIS MATTER having been opened to the Court upon the motion of Nationstar Mortgage LLC, as servicer for The Bank Of New York Mellon f/k/a The Bank Of New York As Trustee For First Horizon Alternative Mortgage Securities Trust 2005-AA8 ("Movant") for an Order approving a Loan Modification Agreement and the Chapter 13 Trustee and all parties who have filed a notice of appearance in the case having been given proper notice, and no objections have been field, and it appearing that said loan modification is proper and in the best interest of the Debtor and the estate, and for good cause shown, it is hereby ordered that:

1. Movant's Motion is hereby granted and the Loan Modification Agreement attached to the Motion as Exhibit "A" is approved;
2. Movant's Mortgage secured by real property owned by the Debtor located at 39 Zeek Road, Morristown, NJ 07950 dated April 22, 2005 in the original principal amount of \$496,000.00 is hereby modified in accordance with the terms set forth in the Loan Modification Agreement attached to the Motion as Exhibit "A;"
3. In the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, Movant shall amend the arrearage portion of its Proof of Claim to zero or withdraw the claim within thirty (30) days of completion of the loan modification;
4. The Chapter 13 Trustee shall suspend disbursements to Movant pending completion of loan modification and all money that would otherwise be paid to Movant, be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by the Movant that the modification was not consummated;
5. In the event the modification is not consummated, the Movant shall notify the Trustee and debtor's attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to Movant;

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Debtor(s): David J. Diabo

Case No.: 15-17725

~~Caption of Order: ORDER APPROVING LOAN MODIFICATION AGREEMENT~~

6. In the event the Proof of Claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order to other creditors in accordance with the provisions of the confirmed plan;
7. Debtor shall file an amended Schedule J and Modified Plan within twenty (20) days of this Order;
8. With respect to any post- petition orders, claims for post-petition mortgage arrears, and orders for creditor's attorney's fees which are being capitalized into the loan, secured creditor will amend any and all post- petition orders or claims within 30 days after completion of the loan modification; and
9. Communication and/or negotiations between Debtor and mortgagees/mortgage servicers about loan modification shall not be deemed as violation of the automatic stay; and any such communication or negotiation shall not be used by either party against the other in any subsequent litigation.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
David J Diabo
Debtor

Case No. 15-17725-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Mar 24, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 26, 2017.

db +David J Diabo, 39 Zeek Road, Morris Plains, NJ 07950-1115

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 26, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 24, 2017 at the address(es) listed below:

Francesca Ann Arcure on behalf of Creditor Nationstar Mortgage LLC, as servicer for The Bank Of New York Mellon f/k/a The Bank Of New York As Trustee For First Horizon Alternative Mortgage Securities Trust 2005-AA8 nj_ecf_notices@buckleymadole.com
Marie-Ann Greenberg magecf@magtrustee.com
Melissa N. Licker on behalf of Creditor Nationstar Mortgage LLC, as servicing agent for The Bank of New York Mellon, f/k/a The Bank of New York, as Trustee for the holders of the certificates First Horizon Mortgage Pass-Through Certificates NJ_ECF_Notices@buckleymadole.com
Stuart D. Gavzy on behalf of Debtor David J Diabo stuart@gavzylaw.com,
lesliebrown.paralegal@gmail.com, sstern@gavzylaw.com, gavzyecf@gmail.com, stuart@ecf.courtdrive.com
TOTAL: 4